

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8649 OF 2004

Shri Ananda Tukaram Bhanage, .. Petitioner.

Vs

Shri Hiraji Tokarji Cheda, .. Respondent

Mr G.H.Keluskar, for the petitioner.

CORAM : D.B.BHOSALE, J.

DATE : 22nd November, 2004.

PC:

1. Heard the learned counsel for the petitioner.

2. This petition is directed against the order dated 10.8.2004 passed below Exhibit-6 in Civil Misc. Appeal No.100 of 2004. The appeal was filed against the order dated 15.6.2004, by which Exhibit-5-application filed by the respondent-plaintiff has been allowed and the petitioner-defendant is restrained from disturbing possession of the respondent-plaintiff over the suit property. The Civil Misc. Appeal is pending before the learned Addl.District Judge for final disposal. The learned Judge refused to grant the ad-interim relief pending appeal. Having considered the overall facts and circumstances of the case and the reasons recorded by the learned Addl.District Judge in the order impugned in this petition, I find no reason to interfere with the

same. In my opinion, interest of justice would be served if the directions are given to the learned Addl.District Judge to decide Civil Misc. Appeal No.100 of 2004 expeditiously. Hence, the following order.

(i) The learned District Judge, Satara will endeavour to dispose of Civil Misc. Appeal No.100 of 2004 as expeditiously as possible and preferably within a period of four months from the date of receipt of this order on merits in accordance with law and un influenced by the observations made in the order dated 10.8.2004. The writ petition is, accordingly, disposed of.

(D.B.BHOSALE, J.)